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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

Amendment of Section 73.202(b))
Table of Allotments) MB Docket No. _____
FM Broadcast Stations) RM - _____
(Eagle, Fort Morgan, Greenwood Village,)
and Strasburg, Colorado,)
and Laramie, Wyoming))

To: Assistant Chief, Audio Division
Media Bureau

PETITION FOR RULE MAKING

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SUMMARY

Lenora Alexander, licensee of KAGM, Strasburg, Colorado; KAGM Joint Venture proposed assignee of KAGM; and On-Air Family, LLC, licensee of Station KBRU-FM, Fort Morgan, Colorado, hereby request that the Commission amend the FM Table of Allotments to (i) delete Channel 272A from Strasburg, Colorado and allot Channel 272A to Greenwood Village, Colorado as that community's first local service; and (ii) delete Channel 269A from Fort Morgan and allot Channel 268C to Strasburg to maintain that community's only local service. The effectuation of these changes will require other changes to the FM Table of Allotments, as described herein. The net result of these changes will be to provide a first local service at Greenwood Village and a net gain of more than 2.8 million people able to receive radio service.

The proposed changes clearly further the public interest, and the Commission should issue a Notice of Proposed Rule Making accordingly.

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PETITION FOR RULE MAKING

Lenora Alexander (“Alexander”), licensee of KAGM, Strasburg, Colorado; KAGM Joint Venture (“KAGM-JV”), proposed assignee of KAGM;’ and On-Air Family, LLC (“On-Air Family”), licensee of Station KBRU-FM, Fort Morgan, Colorado, by their counsel, hereby request that the Commission amend the FM Table of Allotments to delete Channel 272A from Strasburg, Colorado and allot Channel 272A to Greenwood Village, Colorado as that community’s first local service. If this Petition is granted, Alexander or KAGM-JV, as licensee, will file an application for Channel 272A at Greenwood Village, and will construct the facilities if its application is granted. The effectuation of this change will require additional changes to allotments at Eagle, Colorado and Laramie, Wyoming, as well as transmitter site modifications at Breckenridge and Loveland, Colorado, as detailed herein. In order to preserve local service at Strasburg, On-Air Family requests that the Commission delete Channel 269A at Fort Morgan, Colorado, and allot Channel 268C to Strasburg, Colorado, and modify the license of KBRU-FM accordingly. If this petition is granted, On-Air will apply for Channel 268C at Strasburg and

¹ See FCC File Nos. BALH-20020308AAH (consent to assignment from Alexander to Trans-Rockies Radio, LLC); BALH-20020716AAC (consent to assignment from Trans-Rockies Radio to KAGM-JV).

accordingly. If this petition is granted, On-Air will apply for Channel 268C at Strasburg and construct the authorized facilities. All affected licensees have consented to the changes proposed to their respective stations. KAGM-JV has entered into agreements with each of the affected licensees pursuant to which it will reimburse the licensees for their reasonable expenses in making the changes to their facilities.²

The following table summarizes the changes requested in this Petition:

City	Channel	
	Existing	Proposed
Eagle, Colorado	268C	269C1
Fort Morgan, Colorado	269A	---
Greenwood Village, Colorado	---	272A
Strasburg, Colorado	272A	268C
Laramie, Wyoming	275C	275C1

I. Station KAGM, Strasburg to Greenwood Village, Colorado

A. Technical Analysis

1. As demonstrated in the Technical Narrative. Channel 272A can be allotted to Greenwood Village, Colorado at coordinates 39-37-32 North Latitude, 104-47-47 West Longitude consistent with Section 73.207 of the Commission's Rules, provided that transmitter site changes are made at Breckenridge and Loveland, Colorado, as described more fully below. *See* Figure 1. A 70 dBu signal can be provided to Greenwood Village from the proposed reference point. *See* Figure 2. The relocation of KAGM from Strasburg to Greenwood Village will result in a predicted net gain in population of 1,426,803 persons receiving a 60 dBu interference-free signal from the station. *See* Technical Narrative and Figure 3. The **loss** area

² The above-referenced assignment of license from Alexander to KAGM-JV is expected to be consummated prior to the conclusion of this proceeding. Thus, KAGM-JV is the ultimate beneficiary of the channel changes proposed herein and is the responsible party for all reimbursements. In the unlikely event that an unforeseen circumstance prevents KAGM-JV from becoming the licensee of KAGM, Lenora Alexander will reimburse all of the affected stations to the extent ordered by the Commission.

one small area retaining four aural services. *See* Figure 4. *See Scappoose and Tillamook, Oregon*, 15 FCC Rcd 10899 (2000) (reallotment from Tillamook to Scappoose left 4,312 persons with four aural services, 2,461 persons with three aural services, and 19 persons with two aural services); *Detroit Lakes and Barnesville, Minnesota*, 16 FCC Rcd 22581 (2001) (1,458 persons with four aural services, 449 persons with three aural services, and 54 persons with two aural services); *Earle, Arkansas, et al.*, 10 FCC Rcd 8270 (1995) (7,026 persons with 4 aural services).

B. Change in Community of License

2. KAGM-JV desires to change the community of license for Station KAGM from Strasburg to Greenwood Village under the guidelines set forth in *Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License*, 4 FCC Rcd 3870 (1989). *recon. granted in part*, 5 FCC Rcd 7094 (1990) ("*Community of License*"). There, the Commission stated that a station may change its community of license without subjecting the licensee to competing expressions of interest if **(1)** the proposed allotment is mutually exclusive with the current allotment; **(2)** the current community of license will not be deprived of its only local service; and **(3)** the proposed arrangement of allotments is preferred under the Commission's allotment priorities. These criteria are met here. First, the proposed use of Channel 272A at Greenwood Village is mutually exclusive with the current use of Channel 272A at Strasburg. *See* Figure 1. Second, Strasburg will not be deprived of its only operational local service because On-Air Family has agreed to upgrade and relocate KBRU-FM to serve Strasburg as described above.' Third, the provision of a first local service at Greenwood Village (population 11,035) under Priority 3 will result in a preferential arrangement of allotments over the retention of a second local service at Strasburg

(pop. 1,402) under Priority 4 (all population figures are taken from the 2000 U.S. Census). *See Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88 (1982).

3. Greenwood Village is located inside the Denver-Aurora Urbanized Area. Thus, this relocation implicates the Commission's policy concerning the relocation of stations from rural to urbanized areas. *See Headland, Alabama and Chattahoochee, Florida*, 10 FCC Rcd 10352 (1995). In such cases, the Commission will consider the extent to which the station will provide service to the entire Urbanized Area, the relative populations and proximity of the suburban and central city, and, most importantly, the independence of the suburban community. *Faye and Richard Tuck*, 3 FCC Rcd 5374 (1988). In this case, from the proposed transmitter site, KAGM would place a 70 dBu contour over only 32 percent of the Denver-Aurora Urbanized Area. Greenwood Village, located in Arapahoe County, is 12 kilometers from Denver, located in Denver County. The 2000 Census population of Greenwood Village (11,035) is 2 percent of the population of Denver (554,636). These figures are similar to those of other suburban communities granted a first local preference. *See, e.g., Anniston, Alabama, et al.*, 16 FCC Rcd 3411, *aff'd by the Commission*, 16 FCC Rcd 19857 (2001) and cases cited therein. In any event, the Commission has repeatedly stated that these factors are less important than evidence of independence. *See Headland, Alabama and Chattahoochee, Florida*, 10 FCC Rcd 10352 (1995). The following analysis of the eight *Tuck* factors demonstrates the independence of Greenwood Village from Denver.

(1) *Extent to which the residents of Greenwood Village, Colorado, work in the City of Greenwood Village.* The population of Greenwood Village was 11,035 in 2000 (2000 U.S. Census Bureau). This represents an increase of 45.4% from the 1990 U.S.

³ In addition, four applications are pending for a new NCE facility in Strasburg, which will eventually result in an additional service to that community. FCC File Nos. BPED-19980420MJ; BPED-19980417MI;

Census figure of 7,589. According to the 2000 U.S. Census Database, 1,444 of the 5,333 workers, or 27.0%, work in their place of residence. *See* Exhibit B. *See Anniston, Alabama, supra* (16% of the residents of College Park worked in College Park); *Albemarle and Indian Trail, North Carolina*, 16 FCC Rcd 13876, 13880 (2001) (11.3% of working-age residents worked in community); *Coolidge and Gilbert, Arizona*, 11 FCC Rcd 3610 (1996) (6%). According to the city website, Greenwood Village has a “daytime” population of approximately 70,000 working in local businesses. *See* Exhibit B.

(2) *Newspapers and other media that cover Greenwood Village’s needs and interests.* Greenwood Village is served by weekly newspaper, *Greenwood Villager*, and a local cable television channel, GVTV (Channel 8). According to its publisher, Jerry Sweeney, *Greenwood Villager* is a weekly paid newspaper. *Greenwood Villager* contains local news for local residents including articles on topics such as local government, local business and community news. *See* Exhibit B.

City residents can learn of city government, events and programs on Greenwood Village GVTV Channel 8, which is offered on the local cable television system. The channel provides bulletin board information on various local events. Programming includes the Mayor’s Show that features discussions on local issues and concerns. *See* Exhibit B.

In addition, the City of Greenwood Village maintains its own webpage at <www.greenwoodvillage.com>. By accessing this webpage, city residents may access a wide variety of facts and events concerning Greenwood Village, including information

regarding city officials, public services, public and committee meetings, development, job opportunities, public schools and community events. The ***Greenwood Village Newsletter*** is a monthly publication distributed to city residents and businesses by the city government and is available on the city website. The newsletter contains a message from the mayor and provides information about community events, local issues, local activities and city council actions. Sample pages are attached. According to the city website, the newsletter “is favored by citizens as the number one source they find useful when learning about Village events, issues, programs and services.”

(3) ***Community leaders and residents perceive Greenwood Village as being separate from Denver.*** The City of Greenwood Village has its own unique identity and history that are separate from that of Denver. Greenwood Village is located in Arapahoe County. Once a rural outpost, Greenwood Village is a fast-growing community encompassing 7.75 square miles. Greenwood Village was incorporated as a town in 1950 and received its home rule charter in 1968. For new residents, the city distributes the Greenwood Village Welcome Packet that contains information about the quality of life in the Village, programs and services offered by the city and information about park and trails, police services, snow and ice removal, road maintenance, trash and recycling, recreational activities and local events. *See Exhibit B.*

(4) ***Greenwood Village has its own local government and elected officials.*** The government of the City of Greenwood Village functions independently of any other governmental units, and operates under a mayor/council form of government. The City has a mayor, eight council members and an appointed city clerk. The mayor is elected to a four-year term and the council members are elected to two-year terms. The city is

divided into four electoral districts. Among the City's departments are: Administrative Services, City Clerk's Office City Manager's Office, City Attorney, Community Development, Finance Office, Interdepartmental, Parks, Trails and Recreation, Police, Public Works and Commissions. Among the municipal services provided by the City are: municipal court, risk management, human resources, taxpayer services, engineering, parks maintenance, code enforcement, planning, building permits and inspections, licenses, zoning, street maintenance, snow and ice removal, trash pickup and recycling. The city has established the following commissions: Arts & Humanities Council, Board of Adjustment and Appeals, Planning and Zoning, Parks, Trails and Recreation and Youth. *See Exhibit B.* According to the city newsletter, the 2003 fiscal year budget for the City of Greenwood Village includes operating expenditures of \$32,803,582 and \$7,904,955 budgeted for capital projects. *See Exhibit B.*

(5) *The City of Greenwood Village has its own zip code and separate governmental listings in the local telephone company.* The zip codes designated exclusively for the City of Greenwood Village are 80110, 80111, 80112, 80121 and 80155. The U.S. Postal Service operates the Greenwood Village Branch Post Office at 6855 South Dayton Street. The branch opened in 2001. *See Exhibit B.* According to Arapahoe County Library staff, residential and business listings for Greenwood Village are found in the Englewood-Littleton Telephone Directory published by Questdex, which contains a separate section for the Greenwood Village government listings.

(6) *The City of Greenwood Village has its own commercial establishments and health facilities.* Greenwood Village is home to a variety of businesses and commercial establishments. A few of these businesses identify with the community by

using “Greenwood” in their name, **for** example: Greenwood Floral, Greenwood Athletic Club, Greenwood Plaza Theatre, Greenwood Travel Center and Greenwood Telecommunications. Greenwood Village retail businesses include: Imaginet, Telecom Wireless Corp., Marketplace International, Unidial, Inc., Combined Energy Co., Alhertson’s Pharmacy, K Mart, One Hour Optical, Mythic Games, Target, Rose’s Things, Don Massey Used Car Center, Dick’s Arapahoe Amoco, Total Petroleum, Inc. and Lowe’s. Banks include Bank United, Goleta National Bank, Key Bank, Compass Bank and Colorado Federal Savings Bank. Dining establishments include Bayou Bob’s, Chez Jose, Brook’s Steak House, Cool River Café and Lemon Grass Grille. Greenwood Village has numerous inns, hotels and motels such as La Quinta, Inn, Holiday Inn, Courtyard by Marriott, and Wellesley Inn & Suites. *See* Exhibit B. The Greenwood Village Chamber of Commerce promotes local businesses and sponsor several city events. *See* Exhibit B.

A number of health care providers are located in the City of Greenwood Village. Medical services are provided by Colorado Health & Hospital, Village Medical Center, Greenwood Chiropractic Clinic, Village Pediatrics, Goodman Ob-Gyn Associates, Steadman Hawkins Clinic, and Arapahoe Surgical Associates and community residents have a variety **of** options to take care of their medical needs. Dental services are provided the Greenwood Dental Association, Affiliated Greenwood Dental and by several sole practitioners. The Greenwood Village Veterinary and Cherry Animal Hospital provide veterinary services. *See* Exhibit B.

Greenwood Village is also home to a number of religious organizations, such as Greenwood Community Church, Cherry Creek Presbyterian Church, Mission Hills Church, Beth Messiah Congregation, St. Peter Lutheran Church and Hope United

Methodist Church. *See* Exhibit B. Civic organizations in Greenwood Village include Kiwanis Club and Rotary Club. Community activities and events that occur in the City of Greenwood Village include: Greenwood Village Day, Taste of Greenwood Village Business Expo, and Greenwood Goosechase. *See* Exhibit B.

(7) ***Greenwood Village is a separate and distinct advertising market from Denver.*** According to Jerry Sweeney, publisher of ***Greenwood Villager***, local businesses in Greenwood Village advertise in ***Greenwood Villager***, which enables them to reach the residents of Greenwood Village, and do not rely solely on Denver media sources. Residents may also access the City's webpage to learn about community events and news. Thus, the residents of Greenwood Village do not need to seek out Denver media sources in order to find what is happening in their community. In addition, the city publishes the annual Greenwood Village Annual Calendar and Report that according to the city website "has become a successful outreach tool for the Village." The calendar serves a promotional tool for local businesses to showcase their businesses and services through advertisements in the calendar. *See* Exhibit B.

(8) ***Greenwood Village has its own library and its police and fire protection are provided independent of any other jurisdiction.*** The Arapahoe Library District operates the Koelbel Main Library that serves the local population. The library is open six days a week. It has a meeting room, an extensive book collection, computer and Internet access and book-on-tape and video collection. The library has several programs for children and adults. *See* Exhibit B.

The Cherry Creeks School District provides public school education to the children of Greenwood Village and headquartered in city. Arapahoe Community College is located in Greenwood Village. *See* Exhibit B.

The City of Greenwood Village maintains its own police department. The Greenwood Village Police Department provides services to the residents of the community through the Field Services Division, Investigations Unit, Communications Unit, Community Services and Administrative Units. *See* Exhibit B.

South Metro Fire Rescue is provides fire and emergency medical services to the city. Serving a 76 square mile area in Arapahoe and Douglas Counties, South Metro Fire Rescue is headquartered in Greenwood Village and is composed of professional fire fighters. Property owners within its boundaries fund operations through property taxes. *See* Exhibit B.

The City of Greenwood Village's Parks, Trails and Recreation Department is responsible for maintaining the city's 21 parks, trails and many of the city's right-of-way areas offering picnicking, basketball courts, hiking playgrounds and ball fields. The Curtis Arts & Humanities Center is an agency of the city. *See* Exhibit B.

4. Alexander and KAGM-JV reiterate that as the licensee of KAGM, either will apply for Channel 272A at Greenwood Village and construct the facilities if its application is granted.

II. Station KSMT, Breckenridge, Colorado

5. To permit the allotment of Channel 272A at Greenwood Village, the transmitter site of Station KSMT, Channel 272A, Breckenridge, Colorado must be relocated by approximately 10 kilometers. Channel 272A can be allotted to Breckenridge at coordinates **39-25-52 North Latitude, 106-06-17 West Longitude** consistent with the Commission's spacing

rules, provided that a change is made at Eagle, Colorado, as described below. *See* Figure 6. From the new transmitter site, the station will continue to place a 70 dBu contour over all of Breckenridge, Colorado. *See* Figure 7. Although the area covered by the 60 dBu contour remains the same, there will be a net increase in population served by the new facility of 7,517 persons. *See* Technical Narrative and Figure 8. The Commission may order a transmitter site change with no corresponding change to the Table of Allotments in the context of a rule making proceeding such as this one. *See Cross Plains, Texas, et al.*, 15 FCC Rcd 5506 (2000).

6. AGM-Rocky Mountain Broadcasting, LLC, licensee of KSMT, has furnished a statement consenting to the proposed transmitter site relocation. *See* Exhibit A. Pursuant to an agreement, KAGM-JV will reimburse the licensee of KSMT for its reasonable costs in modifying its facility as necessary to permit the allotment of Channel 272A at Greenwood Village.

111. Station KTUN, Eagle, Colorado

7. In order to relocate the transmitter site of Station KSMT on Channel 272A, Station KTUN, Eagle, Colorado must be downgraded from Channel 268C to Channel 269C1 and relocated to a new transmitter site. Channel 269C1 may be allotted to Eagle at coordinates 39-45-15 North Latitude, 106-54-13 West Longitude consistent with the Commission's spacing rules. *See* Figure 9.⁴ No further changes are necessary in order to modify the KTUN allotment in this manner. From the new reference coordinates, the station will place a hypothetical 70 dBu contour over all of Eagle, Colorado. *See* Figure 10. There will be a net loss in area covered by the relocated station of 5,745 sq. km., and in population served of **21,738** persons. *See* Technical

⁴ An application for this relocation and downgrade is pending. File No. BPH-20020813ABK.

Narrative and Figure 11. However, these net losses **are** more than made up by the overall gains achieved by this rule making proposal.

8. Salisbury Broadcasting Colorado, LLC, the licensee of KTUN, has furnished a statement consenting to the downgrade, channel change, and transmitter site change. **See** Exhibit **A**. Pursuant to an agreement, KAGM-JV will reimburse the licensee of KTUN **for** its reasonable costs in modifying its facility as necessary to permit the allotment of Channel 272A at Greenwood Village and the changes to KSMT described above.

IV. Station KTRR, Loveland, Colorado

9. To permit the allotment of Channel 272A at Greenwood Village, the transmitter site of Station KTRR, Channel 273C2, Loveland, Colorado, must be relocated by approximately 14 kilometers. Channel 273C2 can be allotted to Loveland at coordinates 40-34-33 North Latitude, 104-52-22 West Longitude in compliance with the Commission's spacing rules, provided that a change is made at Laramie, Wyoming as described below. **See** Figure 12. From the new transmitter site, the station will continue to place a 70 dBu contour over all of Loveland, Colorado. **See** Figures 13-14. There will be a net loss in population of 64,669 persons within the 60 dBu contour. **See** Technical Narrative and Figure 15. However, this loss is more than made up by the overall gains of the rule making proposal.

10. Regent Broadcasting of Fort Collins, Inc., the licensee of KTRR, has furnished a statement consenting to the proposed transmitter site relocation. **See** Exhibit A. Pursuant to an agreement, KAGM-JV will reimburse the licensee of KTRR for its reasonable costs in modifying its facility as necessary to permit the allotment of Channel 272A at Greenwood Village.

V. Station KARS-FM, Laramie, Wyoming

11. In order to relocate the transmitter site of Station KTRR on Channel 273C2, Station KARS-FM, Laramie, Wyoming must be downgraded from Channel 275C to Channel

275C1 and relocated to a new transmitter site. Channel 275C1 may be allotted to Laramie at coordinates 40-53-04 North Latitude, 104-42-45 West Longitude consistent with the Commission's spacing rules. *See* Figure 16. No further changes are necessary in order to modify the KARS-FM allotment in this manner. From the new reference coordinates, the station will place a hypothetical 70 dBu contour over all of Laramie, Wyoming. *See* Figures 17-18. There will be a net gain in population served by the new facility of 89,185 persons. *See* Technical Narrative and Figure 19.

12. AGM-Nevada, LLC, the licensee of KARS-FM, has furnished a statement consenting to the proposed downgrade and transmitter site relocation. *See* Exhibit A. Pursuant to an agreement, KAGM-JV will reimburse the licensee of KARS-FM for its reasonable costs in modifying its facility as necessary to permit the changes to Station KTRR described above.⁵

VI. Station KBRU-FM, Fort Morgan to Strasburg, Colorado

A. Technical Analysis

13. In order to provide a replacement service at Strasburg, Colorado, On-Air Family, one of the petitioners, has agreed to relocate and upgrade KBRU-FM to serve Strasburg, Colorado. Channel 268C may be allotted to Strasburg at coordinates 39-55-27 North Latitude, 103-58-25 West Longitude consistent with the Commission's spacing rules. *See* Figure 20.6 From the new reference coordinates, the station will place a hypothetical 70 dBu contour over all of Strasburg, Colorado. *See* Figure 22. There will be a net gain in population served by the new

⁵ Regent Broadcasting of Fort Collins, Inc. the proposed assignee of KARS-FM (File No. BALH-20030124ADU), is aware of the agreement and as licensee will fulfill any remaining obligations thereunder.

^b On-Air has applied for Channel 268C at these reference coordinates (while remaining at Fort Morgan) and that application is currently pending. File No. BPH-20020813ABJ. This application is contingent upon, and filed in connection with, the application for KTUN discussed above.

facility of 1,379,272 persons and in area of 23,959 sq. km. *See* Technical Narrative and Figure 21.

B. Change in Community of License

14. The relocation of Station KBRU-FM from Fort Morgan to Strasburg meets the guidelines set forth in *Community of license, supra*. First, the proposed use of Channel 268C at Strasburg is mutually exclusive with the current use of Channel 269A at Fort Morgan. *See* Figure 20. Second, Fort Morgan will not be deprived of its only local service because Station KFTM(AM), 1400 kHz, remains licensed to Fort Morgan. Third, the relocation from Fort Morgan to Strasburg will result in a preferential arrangement of allotments. Since Strasburg retains local service both before and after the proposed changes, the proper comparison is between a first local service at Greenwood Village (priority 3) and a second local service at Fort Morgan (priority 4). *See Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88 (1982).

15. Strasburg is outside any Urbanized Area, and the hypothetical 70 dBu contour of the proposed facility will not cover more than 50% of any Urbanized Area. *See* Technical Narrative. The Commission has already passed upon Strasburg's status as a community for allotment purposes by virtue of the allotment previously made there. On-Air hereby states that if this petition is granted, it will apply for Channel 269C at Strasburg and construct the facility.

VII. CONCLUSION

Grant of this petition is in the public interest because Greenwood Village, Colorado will receive its first local service. Grant of the petition will produce a total net increase in service to more than 2.8 million people. Alexander and KAGM-JV reiterate that if the Commission grants this petition, one of them, as licensee, will file an application and construct the new facility at Greenwood Village, and On-Air reiterates that it will file an application and construct the new

facility at Strasburg.. The Commission should promptly issue a Notice of Proposed Rule Making as described herein.

Respectfully submitted,

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April 24, 2003

Technical Narrative

I. Greenwood Village, Colorado

This petition requests channel 272A be reallocated from Strasburg, CO to Greenwood Village, CO at coordinates 39-37-32 North Latitude and 104-47-47 West Longitude. This reallocation can be granted in full compliance with 47 CFR 73.207 and 47 CFR 73.315. Please refer to the map exhibit entitled "Hypothetical City Coverage of KAGM..." Also please refer to the included 272A Channel Study at the proposed reference site.

The same map depicts the FCC F[50,50] coverage of a full-facilities class A at the reference site. The FCC F[50,50] 70 dBu contour of such a facility completely covers the community of Greenwood Village. The proposed KAGM facility would place a city grade contour over 31% of the Denver-Aurora, Colorado Urbanized Area.

The existing KAGM facility provides interference free service to some 11,729 persons based on 2000 US Census Group level retrieval methodology. The re-allotted KAGM serving Greenwood Village, CO would provide interference free service to 1,443,961 persons, a gain of some 1,432,000 persons. The interference free area lost and area gained are equal at 2,515 sq. KM. Please refer to the map entitled "KAGM Gain Loss Area..."

The area and persons within the KAGM Loss Area are well served by other radio services and no white or gray areas would be created by the proposed reallocation. While some 62 operating radio services can be received without interference in all or part of the KAGM Loss Area, a map is included demonstrating no fewer than 4 aural services remain anywhere within the Loss Area. This map is entitled "KAGM Remaining Services Map." With the exception of KOA-AM (which encompasses the entire Loss Area and is not shown) the contours are numbered and the key to identifying the contours follows:

Contour #	Call	City	Freq	Class	Status
1	KAVD	Parker, CO	103.1	C	Alloc
2	KSIR	Bennett, CO	107.1	C	CP
3	KILO	Colorado Springs, CO	92.9	C	Lic
4	KRKS	Boulder, CO	94.7	C	CP
5	KTCL	Ft. Collins, CO	93.3	C	Lic
6	KLDV	Morrison, CO	91.1	C	Lic
7	KJMN	Castle Rock, CO	92.1	C2	Lic
8	VAC	Strasburg, CO	97.7	C3	Alloc
Not Shown	KOA	Denver, CO	850Khz	A	Lic

The Denver-Aurora Urbanized Area is shown (as defined by the 2000 Census and calculated using boundary files available for download at <http://www.census.gov/geo/www/cob/metadata.html>), along with the city grade coverage of the proposed reallocated KAGM facility. Please refer to the map entitled “Denver-Aurora, CO Census Urbanized Area.” The proposed re-allotment of KAGM would place a 70 dBu over 409.2 sq. KM. or 32% of the Denver-Aurora UA. Additionally, Greenwood Village is entirely within the Denver-Aurora UA.

II. Breckenridge, Colorado

The proposed reallocation of KAGM to Greenwood Village creates a short spacing to station KSMT 272A Breckenridge, CO. To eliminate this short spacing, KSMT proposes to change its reference site to 39-25-52 North Latitude 106-06-17 West Longitude. Please refer to the included channel study of 272A Breckenridge, CO at the proposed reference site. This site complies with the requirements of 47 CFR 73.207 and 47 CFR 73.315. The site is a geophysical feature known as Father Dyer Peak and enjoys elevation that affords excellent line of sight to all of Breckenridge. 100% of Breckenridge, CO is within the hypothetical city grade coverage contour. Please refer to the map entitled “Hypothetical City Coverage of KSMT...”

The hypothetical interference free contour of the present KSMT facility encompasses 25,294 persons while the proposed new KSMT facility covers 32,811 persons. This is an increase of 7,517 persons or 30%. The covered area remains the same at 2,515 sq. KM. Please refer to the map exhibit entitled “KSMT Gain Loss Map.”

III. Eagle, Colorado

The changed reference site at Breckenridge for KSMT creates a short space to station KTUN, ~~268C~~, Eagle, CO. KTUN proposes ~~to~~ downgrade and to change channel from ~~268C~~ to ~~269C1~~ and ~~to~~ adopt a new reference site. This new site is ~~39-45-15~~ North Latitude ~~106-54-13~~ West Longitude. This site is located on a saddle ridge between Greenhorn Mountain and Big Red Hill about ~~13~~ KM Northwest of Eagle.

This proposed reference site for KTUN can be granted in compliance with ~~47 CFR 73.207~~ and ~~47 CFR 73.315~~. Please refer to the included channel study for ~~269C1~~ at Eagle, CO and to the map exhibit entitled "KTUN Hypothetical City Grade."

With an antenna height of ~~674~~ Meters Above Average Terrain and Effective Radiated Power of ~~36~~ KW (License ~~BLH-19840427DO~~) the interference free coverage of the present facility extends ~~84~~ KM.

Presently KTUN, with the licensed ~~268C~~ facility, provides interference free coverage to ~~136,428~~ persons in an area of ~~22,167~~ Sq. KM. The proposed downgraded and moved facility will provide interference free coverage to ~~114,690~~ persons in an area of ~~16,422.1~~ Sq. KM. This is a loss of service to ~~21,738~~ persons in an area of ~~5,745~~ Sq. KM. Please refer to the map exhibit "KTUN Gain Loss Map."

IV. Loveland, Colorado

The reallocation of KAGM at Greenwood Village creates another short spacing to station KTRR ~~273C2~~ Loveland, CO. To eliminate this short spacing, KTRR proposes to change its reference site to ~~40-34-33~~ North Latitude ~~104-52-22~~ West Longitude. Please refer to the included channel study of ~~273C2~~ Loveland, CO at the proposed reference site. This site complies with all requirements of ~~47 CFR 73.207~~ and ~~47 CFR 73.315~~. Located in a prairie between the Mahood Reservoir and Drake Lake along SR14, this site enjoys excellent line of sight to all of Loveland. 100% of Loveland, CO is within the hypothetical city grade coverage contour. Please refer to the map entitled "KTRR Hypothetical City Grade."

The hypothetical interference free contour of the present KTRR facility encompasses ~~535,263~~ persons while the proposed new KTRR facility covers ~~460,564~~ persons. This is an loss of ~~64,699~~ persons or 12%. The covered area remains the same at ~~8523~~ sq. KM.

V. Laramie, Wyoming

The changed reference site at Loveland, CO creates a short spacing to station KARS 275C Laramie, WY. KARS proposes to downgrade to 275C1 and to move to a new site at 40-53-55 North Latitude 105-42-31 West Longitude. This site complies with all applicable requirements of 47 CFR 73.207. Please refer to the included channel study of 275C1 Laramie WY at the proposed reference site and to the map entitled "KARS City Grade Coverage" and the "KARS Hypothetical City Grade Detail View." The maps depict both the hypothetical coverage and the FCC F[50,50] coverage of a full-facilities class C1 at the reference site. Laramie is entirely within the required city grade coverage contours.

With an antenna height of 372 Meters Above Average Terrain and Effective Radiated Power of 100 KW (License BLH-19851018KD) the interference free coverage of the present 275 C facility extends 77.6 KM.

The hypothetical interference free contour of the present KARS facility encompasses 117,151 persons while the proposed new KARS facility covers 212,868 persons. This is an increase of 95,717 persons or 82%. The interference free coverage area for the existing facility is 18,908 sq. KM and the proposed area is 16,368 sq. KM. This is a loss of 2,540 sq. KM. or 13%.

VI. Remaining Services in Strasburg, Colorado

Although there are four applicants with cutoff protection for the vacant noncommercial allotment 249C3 at Strasburg, a construction permit has not been granted to any of the applicants. In order that Strasburg not experience an interruption in operating service, it is proposed that KBRU 268C now allotted to Fort Morgan, Colorado, be allotted to Strasburg instead.

This petition seeks the re-allotment and upgrade KBRU-FM, presently licensed with 269A facilities to the community of Fort Morgan, Colorado. KBRU also has a pending application, filed simultaneously on forms 301 with station KTUN, Eagle, Colorado, to upgrade to 268C. This petition seeks essentially the same technical upgrade.

KBRU-FM can be reallocated and upgraded in full compliance with the spacing requirements of 47 CFR 73.207 at 39-55-27 North 103-58-25 West and is otherwise consistent with the FM Table of Allotments including the remaining changes in this petition. Note that the reallocation requires that KOLT, having received a "triggering" show-cause notice and rescinded its original expression of interest in full C facilities, be treated as Class CO at the present licensed site.

At present, the licensed Class A facility of KBRU provides interference-free service to 26,427 persons in an area of 2,515 Sq. KM. The requested upgrade will allow KBRU to serve 1,405,699 persons in an area of 26,475 Sq. KM., according to the U.S. Census. This is a net gain of 1,379,272 persons and an increase of coverage area of 23,959 Sq. KM. Maps and a channel study at the proposed allotment site are attached.

VI. Summary

The proposals contained herein are compliant with the applicable rule sections having to do with spacing between related channels and facilities as well as community coverage. Further, the proposal seeks to provide a first local service to Greenwood Village, Colorado, a community with 11,035 persons according to the 2000 US Census. Finally, as the attached table shows, the net result is an additional interference free service for over 1.4 million persons.

Call	City	Interference Free			
		Pop Now	Area Now	Pop Proposed	Area Proposed
KAGM	Greenwood Village, CO	11,729	2,515	1,437,812	2,515
KSMT	Breckenridge, CO	25,294	2,515	32,811	2,515
KTUN	Eagle, CO	136,428	22,167	114,690	16,422
KTRR	Loveland, CO	535,263	8,523	460,564	8,523
KARS	Lararnie, WY	117,151	18,908	212,868	16,368
KBRU	Strasburg, CO	26,427	2,515	1,405,699	26,461
		852,292	57,143	3,664,444	15,681
		Gain		2,812,152	(8,285)

For these reasons this Rulemaking Proposal should be adopted in its entirety.

Affidavit and Qualifications of Technical Consultant

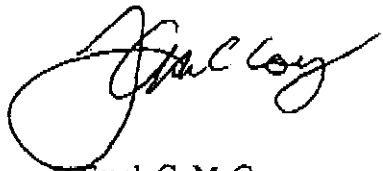
State of Illinois)
Community of Forest Lake) ss:
County of Luke)

Frank G. McCoy, being duly sworn, deposes and says that he is an employee of American Media Services which **firm** has been engaged to provide **technical** and other consulting in connection with the preparation **of** the attached.

He attended Illinois Institute of Technology in Chicago and has been active in broadcast engineering for over **25 years** as an employee of and consultant to numerous **FCC** licensees.

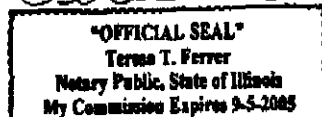
The attached Technical *Narrative* and the associated exhibits **were** either prepared by **him** or under his direction and **are** believed to be true and **correct**.

Dated: April 23, 2003



Frank G. McCoy
Affiant

Veresa Ferrer 4/23/03



Seal

Frank McCoy

FM Study for: KAGM 39-37-32
 Location: GREENWOOD VILLAGE, CO Channel Class: A 104-47-47
 [*] by HAAT indicates calculated as missing in database.
 Call City, State Chan Class Freq kW Latitude Dist. Required
 status Proponent File Number HAAT Longitude Azm. Clear (km)

 >>>>>>> Study For Channel 272 102.3 MHz <<<<<<<<
 KAGM STRASBURG, CO 272 A 102.3 4.00+ 39-41-50 22.0 115 73.215
 APP Fac. No. 37028 BPH-20020611AAM 100 104-33-25 68.7 -93.0 SHORT
Note: Pending application for KAGM
 KAGM STRASBURG, CO 272 A 102.3 6.00 39-36-23 40.3 115
 LIC Fac. NO. 37028 BLH-19960926KD 100 104-19-42 92.9 -74.7 SHORT
Note: Existing licensed facility of KAGM
 KTRR LOVELAND, CO 273 C2 102.5 50.0+ 40-27-19 92.8 106
 LIC Fac. NO. 50375 BLH-19880713KA 125 104-55-25 353.3 -13.2 SHORT
 KSMT BRECKENRIDGE, CO 272 A 102.3 3.00 39-29-44 106.9 115
 LIC Fac. NO. 57336 BLH-6825 -70 106-01-44 262.6 -8.1 SHORT
 Use of 73.215 for short spacing requires: 92 +14.9 CLOSE
 ALLOC BRECKENRIDGE, CO 272 A 102.3 39-25-52 114.54 115
 ADD 106-06-17 259.6 -0.46 CLOSE
 ALLOC LOVELAND, CO 273 C2 102.3 40-34-33 105.71 106
 ADD 104-52-22 356.5 -0.29 CLOSE
 KKCSFM COLORADO SPRINGS, CO 270 C 101.9 72.0 38-44-43 97.9 95
 LIC Fac. No. 70822 BLH-19960111KJ 695 104-51-41 183.3 +2.9 CLOSE
 KBIQ MANITOU SPRINGS, CO 274 C 102.7 57.0 38-44-43 97.9 95
 LIC Fac. No. 73073 BLH-19960503KA 695 104-51-41 183.3 +2.9 CLOSE
 KTRR LOVELAND, CO 273 C2 102.5 17.0 40-38-31 112.9 106 73.215
 APP Fac. No. 50375 BPH-20010606AAS 234 104-49-03 359.1 +6.9 CLOSE
 KXDC ESTES PARK, CO 271 C3 102.1 10.0 40-15-56 96.5 89
 CP Fac. No. 76780 BPH-20020507AAH 156 105-33-37 317.7 +7.5 CLOSE
 KXDC ESTES PARK, CO 271 C3 102.1 25.0 40-17-34 98.2 89
 LIC Fac. NO. 76780 BLH-19991018ABT 52 105-33-05 319.2 +9.2 CLOSE
 KSPK WALSENBURG, CO 272 C1 102.3 52.0 37-37-39 221.8 200
 LIC Fac. NO. 39677 BLH-19991025AES 131 104-49-17 180.6 +21.8 CLEAR

Figure 1